

January 19, 2006

H.E. Maqbool Bin Ali Sultan
Minister of Commerce and Industry
Ministry of Commerce and Industry
Sultanate of Oman

Dear Mr. Minister:

I am pleased to receive your letter of January 19, 2006, which reads as follows:

“I have the honor to confirm the following understanding reached by the Governments of the Sultanate of Oman and the United States of America in the course of negotiations regarding Chapter Fifteen (Intellectual Property Rights) of the United States-Oman Free Trade Agreement (the “Agreement”), signed this day:

The obligations of Chapter Fifteen of the Agreement do not affect the ability of either Party to take necessary measures to protect public health by promoting access to medicines for all, in particular concerning cases such as HIV/AIDS, tuberculosis, malaria, and other epidemics as well as circumstances of extreme urgency or national emergency.

In recognition of the commitment to access to medicines that are supplied in accordance with the Decision of the General Council of 30 August 2003 on the Implementation of Paragraph Six of the Doha Declaration on the TRIPS Agreement and Public Health (WT/L/540) and the WTO General Council Chairman’s statement accompanying the Decision (JOB(03)/177, WT/GC/M/82) (collectively the “TRIPS/health solution”), Chapter Fifteen does not prevent the effective utilization of the TRIPS/health solution.

With respect to the aforementioned matters, if an amendment of the WTO Agreement on Trade-Related Aspects of Intellectual Property Rights (1994) enters into force with respect to the Parties and a Party’s application of a measure in conformity with that amendment violates Chapter Fifteen of the Agreement, our Governments shall immediately consult in order to adapt Chapter Fifteen as appropriate in the light of the amendment.

I would be grateful if you would confirm that your Government shares this understanding.”

I have the honor to confirm that my Government shares the understanding referred to in your letter.

Sincerely,

Rob Portman